

DRAFT

ITEM #3

P.C. MEETING: 02/20/03

PUBLIC HEARING (CONTINUED FROM 12/05/02)

COMMUNITY: Pinon Hills/S-1
APPELLANTS: Denton, Reid, Decuir, Kent, Carlson, Forrest and Ziler
APPLICANT: Debra Woodward
PROPOSAL: Appeal of a Special Use Permit for educational purposes.
LOCATION: 8972 Wintergreen Road, Pinon Hills
REP(S): None
STAFF: Randy Rogers

Mr. Randy Rogers, Code Enforcement Supervisor, presented the staff report, which is on file with the Land Use Services Department, Code Enforcement Division. He referred to interoffice memo dated February 19, 2003, with revised actions and recommended findings.

He discussed the 4H project, the inspections of the property, fly issues, number and location of animals on the property, space allocation on the property, and approval of the Special Use Permit (SUP). He showed pictures of the location of the corrals of the animals, the natural vegetation, and the buffering of the views from the neighbors. He discussed zoning of the site (RL), the parcel size (2-1/2 acre gross), County easements, and animal density calculations. He also discussed the Educational Purpose Permit.

Commissioner Kwappenberg asked about the number of animals currently on the site.

Questions were raised by Commissioner Dowling regarding the creation of formulas and policies for the Special Use Permit. Mr. Rogers discussed the code section that allows for additional animals for an education purpose.

Chairman Laning asked about the requirements of the Special Use Permit (SUP) in relation to ownership of the property, and Mr. Rogers explained the requirements.

PUBLIC TESTIMONY

The following people testified in on the proposal:

- Sandie Denton, Appellant, Property Owner (Oppose)
- Rick Kent, Appellant, Property Owner (Oppose)
- Alex Decuir, Appellant, Property Owner (Oppose)
- Bill Forrest, Appellant, Property Owner (Oppose)
- Anita Forrest, Appellant, Property Owner (Oppose)
- Dennis Carlson, Appellant, Property Owner (Did not speak) (Oppose)
- Mel Brocklehurst, Owner of PIQ (Favor)
- Barbara Hillman spoke for Jack L. Hillman, Property Owner (Oppose)
- Mark Hernandez, Applicant (Favor)

DRAFT

ITEM #3

P.C. MEETING: 02/20/03

Ms. Sandie Denton stated that she was a neighbor to the Applicant, one parcel to the north. Ms. Denton distributed a packet of information to the Commission. She discussed the history of the project, acreage of the subject property, water lines access, storage of abandoned vehicles and miscellaneous junk storage on a County dedicated road easement, litter on the property, animal shelters and screening, the 4H application, cleaning of the stalls, and removal of the manure. She expressed her concerns with the Special Use Permit being issued under the Title 8 Development Code rather than the Title 3, Chapters 1, 2 & 3 Article 5, Section 33.0951 of the San Bernardino Environmental Health Code. She discussed time frames of the project, and violations of the applicant, the recent code enforcement inspection of February 5, 2003, the lack of smells or flies on the property, and recent low temperatures of the area. She stated concerns with health issues, welfare, clean air, financial concerns, and private freedom.

The following appellants/residents spoke in opposition to the project: Rick Kent, Alex Decuir, Bill Forrest, Anita Forrest, and Barbara Hillman. They expressed their concerns about the applicant not being subjected to the rules and regulations of the County, easement issues, previous and present permit issuance, permitted animal densities, putrid smells and an unhealthy situation, lack of inspection by Animal Control or the County Veterinarian, animal waste being dumped into a natural drainage course, fly issues, non-operative vehicles on property, storage sheds on property, barking dogs, and the road easement on Sunnyslope Road.

Mr. Mel Brocklehurst spoke in favor of the proposal. He discussed the gross area of 2-1/2 acres, offer of dedication extension of Vista Road, fly problems of the area, wash areas, dumping of manure, and horse manure odor.

Mr. Mark Hernandez, applicant, spoke in favor of the proposal and stated he was speaking on behalf of his family. He discussed the approval of the previous permit of September 16, 2002, and the fact that they have complied with the permit, vehicles on property, cages on the property, and removal of piles on the property.

There being no one else in the audience to speak on this item, Chairman Laning closed the public testimony.

DISCUSSION

Discussion ensued between Commissioner Brown and Mr. Rogers regarding the Assessor's Parcel Map, acreage, gross square footage, offers of dedication, allowance of large animals on 2-1/2 acre parcel, and the 4-H Article 5.

Ms. Robin Cochran, Deputy County Counsel discussed with the Commission the 4-H Article 5 with Environmental Health Services, and the fact that Code Enforcement is now within Land Use Services and they are investigating the 4-H Article 5 document.

DRAFT

ITEM #3

P.C. MEETING: 02/20/03

Discussion ensued between Commissioner Brown and Mr. Rogers regarding the previous permit (Private Kennel) versus the current requested permit (Educational Animal Special Use Permit).

Commissioner Brown asked Mr. Rogers to investigate if all the signers of the petition were cited, and Mr. Matthew Marnell, Deputy County Counsel, discussed the neighborhood disputes relating to Code Enforcement complaints, and the policy of the County to respond only by a complaint basis.

Discussion ensued between Commissioner Brown and Mr. Rogers regarding the conditions of the Code in relation to the animals being used for an educational purpose.

Ms. Robin Cochran, Deputy County Counsel, clarified Code Section 33.0957, stating that section was formerly utilized when permits were issued by Environmental Health Services, adding that after the permit issuance had been transferred to Code Enforcement, it was no longer utilized and does not apply.

Ms. Rynerson discussed with the Commission approval of the parcel map on the site.

Discussion ensued between Chairman Laning and Ms. Cochran regarding offers of dedication and maintenance and control of the dedicated easement of the subject site.

Commissioner Brown motioned to approve the appeal and deny staff's approval of the SUP on educational animals. Commissioner Kwappenberg seconded the motion.

Robin Cochran stated that it would be County Counsel's recommendation to continue this item for staff to prepare completed and written findings. She stated that the Planning Commission's decision is appealable to the Board of Supervisors.

Commissioner Brown amended the motion to state that it was the Planning Commission's intent to grant the appeal to deny staff's approval of the Special Use Permit for educational animals and to continue the item until March 6, 2003, for staff to return with proposed findings for the Commission's final action and adoption of the findings.

Commissioner Kwappenberg seconded the amended motion.

Chairman Laning stated this item was continued to March 6, 2003, to generate findings, adding that public comment would not be reopened at the March 6, 2003, meeting.

DRAFT

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COMMISSION ACTION

1. ADOPT an intent to Grant the Appeal and DENY the Application for a Special Use Permit;
2. CONTINUE to March 6, 2003, in the a.m. for final action; and
3. Direct Staff to prepare Findings to Support for an action for Denial of the Special Use Permit.

MOTION: BROWN

SECOND: KWAPPENBERG

AYES: Brown, Dowling, Kwappenberg, Laning

NOES: None

ABSENT: None

ABSTAIN: None